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IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR (CG)

WRIT PETITION (S) NO. 788 /2007

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA,

PETITIONERS

1. Makuensiyus Kerketta, aged about 47 years, S/o. Gabrial Kerketta, Assistant Teacher, Government Tribal Primary School Gotmahua, Bagicha, Distt. Jashpur (CG) (sl.no.11 of P-1 dt. 20.10.1989)

2. Emanual Kujur, aged about 50 years, S/o. Benedikt Kujur, Assistant Teacher, Government Tribal Primary School Fuldeeh, Bagicha, Distt. Jashpur (CG) (S.NO. 37 of P-1, dt. 5.1.1987)

3 Mohar Sai Ram, aged about 42 years, son of Shri Sukhu Ram, Assistant Teacher, Government Tribal Primary School Sonmuth, Bagicha, Distt. Jashpur (CG) (SL.NO.55 P-1 dt. 15.7.1987)

4 Ku. Benevikta Tigga, aged about 40 years, D/o. Pihus Tigga, Assistant Teacher, Government Tribal Primary School Fuladeeh, Bagicha, Distt. Jashpur (CG) (SL.NO. 70 in P-1, dt. 21.3.1989)

5 Rameshwar Ram, aged about 41 years, son of Shri Dashrath Ram, Assistant Teacher, Government Tribal Middle School Dobh, Bagicha, Distt. Jashpur (CG) (SL.NO.72 in P-1, dt. 15.7.1987)

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OATH COMMISSIONER S.R. Kaushik TAHSIL AREA

(6) (4)

6. Kisun Ram Hansda, aged about 41 years, son of Shri Foklo Ram, Assistant Teacher, Government Tribal Primary School Tangardeeh, Bagicha, Distt. Jashpur (C.G.) (Individual order P-1 dt. 3.3.1990)

VERSUS

RESPONDENTS

1. State of Chhattisgarh, through – Secretary, Department of Tribal Welfare, Dau Kalyan Singh Bhawan, Raipur (C.G.)
2. The Assistant Commissioner, Deptt of Tribal Welfare, District Jashpur (CG)
3. The Block Education Officer, Bagicha, Distt. Jashpur (C.G.)

(48)

HIGH COURT OF CHHATTISGARH AT BILASPUR

W. P.(S) No. 988 of 2007

Petitioners : Makuensiyus Kerketta and others

Versus

Respondents : State of Chhattisgarh and others

SB: Hon'ble Mr. Justice Satish K. Agnihotri, J

Present: Mr. A.N. Bhakta, Advocate for the petitioners.

Ms. Sunita Jain, Panel Lawyer for the State/respondents.

O R D E R

(Passed on this 21st Day of February, 2007)

1. The petitioners were appointed in the year 1987 and 1989 as Assistant Teachers on fixed pay scale of Rs. 300/-. After completion of their probation, they were granted regular pay scale.
2. Learned counsel appearing for the petitioners submits that the issue involved in the case is asto whether, the petitioners are entitled to regular pay scale w.e.f. the date of initial appointment or from the date of completion of probation period.
3. The issue involved, herein was considered by the Madhya Pradesh State Administrative Tribunal, Jabalpur in O.A. No. 2745/89 (Madhukant Yadu and 56 others Vs. State of M.P. & others), wherein it was held that the similarly situated teachers are entitled to regular pay scale w.e.f. the date of initial appointment. The matter was taken-up to the Hon'ble Supreme Court. The appeal was dismissed by the Hon'ble Supreme Court upholding the decision

of the Tribunal to the effect that the Teachers/Assistant Teachers are entitled to regular pay scale from date of initial appointment.

4. Learned counsel appearing for the petitioners further submits that this Court, while considering the same issue in Sushil Tiwari & others Vs. State Govt. of Chhattisgarh & others (W.P. (S) No. 5976 of 2006) by order dated 7-11-2006, has granted regular pay scale w.e.f. the date of initial appointment.

5. Learned counsel appearing for the parties jointly submit that this case is squarely covered by the decision of this Court in the case of Sushil Tiwari & others Vs. State Govt. of Chhattisgarh & others (Supra).

6. In view of that this petition is allowed in the same terms. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Yogesh